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President

Robert B. Pinkert, O.D.
Vice President



Arizona State Board of Optometry
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FINAL MINUTES
AUGUST 20, 2004 BOARD MEETING

Board Members

Robert J. Maynard, O.D., President
Robert B. Pinkert, O.D., Vice President
Caroline Griego, O.D.
Christina M. Sorenson, O.D.
Curtis R. Winkler, M.D.
Lawrence Ponemon, PhD

Staff:

Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

Legal Counsel:

Blair Driggs, Assistant Attorney General

A. CALL TO ORDER: Dr. Maynard

Dr. Maynard called the meeting to order at 9:00 a.m.

B. ROLL CALL: Ms. Whelan

Board Members Present: Robert J. Maynard, O.D., President
Caroline Griego, O.D.
Robert B. Pinkert, O.D., Vice President
Christina M. Sorenson, O.D.
Curtis Winkler, M.D.

Board Members Absent: Lawrence Ponemon, PhD

Legal Counsel Present: Blair Driggs, Assistant Attorney General

Staff Present: Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

C. PRESIDENT'S REPORT:

None.

D. REVIEW, DISCUSSION AND POSSIBLE VOTE ON FORMAL ADMINISTRATIVE HEARINGS AND/OR CONSIDERATION OF PROPOSED CONSENT AGREEMENTS AND POTENTIAL COMPLAINT INFORMATION:

26. ASBOO vs. Coastal Contacts, 04-200339-OBA

Mr. Confer summarized the case and asked the Board to repeal the Cease and Desist Order and dismiss this matter as the company has filed the registration application and paid the fee.

MOTION: Dr. Griego moved to dismiss the case. Dr. Ponemon seconded motion.

VOTE: Motion passes 5-0.

27. ASBOO vs. Vincent G. Sanchez, O.D., 04-200422-OBA

Mr. Driggs summarized the case acting as an advocate to the state of Arizona. Dr. Sanchez, appeared representing himself.

Dr. Sanchez presented comments to the Board and asked to have the summary suspension lifted and the consent agreement amended to 1 year probation.

MOTION: Dr. Pinkert moved to amend the original consent agreement to a 3 year probationary term. Dr. Sorenson seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passed 5-0

E. INFORMAL INTERVIEW:

28. Nainesh C. Bhakta, O.D., John E. Castro, O.D., Nina Dao, O.D., Laura Zaknoun, O.D. & Eyeglass World, Inc., IR#200405

Mr. Driggs summarized and recommended this case be tabled until further review of rules and statutes that may apply to this matter. No doctors or attorneys involved were present to address the Board.

MOTION: Dr. Pinkert moved to table. Dr. Sorenson seconded the motion.

VOTE: Motion passed 5-0

29. ASBOO vs. Stephen L. Christensen & Optometric Special Testing Centers, Inc., IR#200404

Mr. Confer summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

Dr. Pinkert moved to go into executive session at 10:57 a.m. Dr. Sorenson seconded the motion. The Board reconvened regular session at 11:06 a.m.

MOTION: Dr. Pinkert moved to dismiss the case. Dr. Griego seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO	0						
ABSTAIN	1					X	
ABSENT	1			X			

VOTE: Motion passed 4-0. 1 abstention.

F. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH AN ORDER OF PROBATION:

30. Donald SanFilippo, O.D., IR#200252

Dr. Sorenson summarized the case and asked the Board to send to informal interview.

MOTION: Dr. Pinkert moved to send to informal interview. Dr. Griego seconded motion.

AMENDED MOTION: Dr. Pinkert moved to send to informal interview for violation of probation as well as further findings of fact as presented by Dr. Sorenson. Dr. Griego seconded the motion.

VOTE: Motion passed 5-0

G. REVIEW, CONSIDERTION AND POSSIBLE VOTE CONCERING REQUEST FOR A HEARING PURSUANT TO A.R.S. § 41-1092.03:

31. William F. Agnone, O.D., Denial of License, 04-200423-OBA

Mr. Confer summarized the case and asked the Board to consider the appeal for licensure.

MOTION: Dr. Sorenson moved to grant the appeal and send to a formal hearing. Dr. Pinkert seconded motion.

VOTE: Motion passed 5-0

H. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

32. ASBOO vs. Marc R. Bloomenstein, O.D., IR#200416

Dr. Pinkert recused. Dr. Maynard summarized the case and asked the Board to send to informal interview.

MOTION: Dr. Griego moved to send to informal interview. Dr. Sorenson seconded motion.

VOTE: Motion passes 4-0. Dr. Pinkert recused.

33. F.B. vs. Steven H. Weisman, O.D., IR#200417

Dr. Maynard summarized the case and asked the Board to send to informal hearing.

MOTION: Dr. Pinkert moved to send to informal hearing. Dr. Maynard seconded motion.

Motion withdrawn by Dr. Pinkert.

SECOND MOTION: Dr. Pinkert moved to issue letter of concern over the legibility of records pursuant to R4-21-304 (B) and inadequate communication with the patient pursuant to A.R.S. § 32-1743 (3). Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passed 5-0

34. ASBOO vs. Lawrence R. Stern, O.D., IR#200412

Dr. Winkler summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Pinkert moved to dismiss the case. Dr. Sorenson seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X

NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passes 5-0

35. ASBOO vs. Sheri Mortenson-Lamb & RJ Mortensen, IR#200244

Dr. Pinkert summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case. Dr. Ponemon seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X			X	X
NO	0						
ABSTAIN	0						
ABSENT	2			X	X		

VOTE: Motion passed 4-0.

36. ASBOO vs. Mike Perry, IR#200330

Mr. Confer summarized the case and asked the Board to consider any action appropriate regarding this case.

MOTION: Dr. Pinkert moved to dismiss the case. Dr. Griego seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X	X	
NO	0						
ABSTAIN	1						X
ABSENT	1			X			

VOTE: Motion passed 4-0. 1 abstention.

37. S.L. vs. Wendy S. Sanders, O.D., IR#200425

Dr. Pinkert summarized the case and asked the Board to issue letter of concern for an incomplete prescription form.

MOTION: Dr. Sorenson moved to issue letter of concern for an incomplete prescription form. Dr. Maynard seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passed 5-0

38. G.T. vs. Kerri Carr, O.D., IR#200420

Dr. Griego summarized the case and asked the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Pinkert moved to dismiss the case. Dr. Maynard seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X		X	X	X
NO	0						
ABSTAIN	0						
ABSENT	1			X			

VOTE: Motion passed 5-0

I. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208.

	Continuing Education	Date	No. of hours requested
a.	Southern Arizona Optometric Assoc.-AMD Update	4/13/04	1 regular
b.	Southern Arizona Optometric Assoc.-Resident Cases	5/11/04	1 regular
c.	Southern Arizona Optometric Assoc.-What's new in Optometry	3/9/04	1 regular
d.	Southern Arizona Optometric Assoc.-Macular Degeneration Updated and Reviews	1/13/04	1 regular
e.	Pacific University-Keratoconus:Etiology, Assessment & Management	Correspondence	3 Correspondence
f.	Pacific University- Management Options for the Treatment of Diplopia	Correspondence	3 Correspondence
g.	College of Optometrists in Vision Development-Applied	10/19-10/20/04	70 regular

	Concepts in vision Development		
h.	Pfizer Ophthalmics-Glaucoma Management from the Patient's Perspective	8/23/04	2 regular
i.	Vision Rehabilitations & Technology Expo.-Current research & treatment for Macular Degeneration and other Retinal Diseases, Low vision Rehabilitation, Independent Living with Visual Impairment-Service & Techniques, Integrating Technology into the Academic Curriculum	11/19/04	5 regular

MOTION: Dr. Sorenson moved to accept all CE as listed. Dr. Pinkert seconded the motion.

VOTE: The motion passed 5-0.

J. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:

Burns, Zakri
Catt, Nita
Dao, Khanh
Hale, Amanda
Olson, Ronda

MOTION: Dr. Sorenson moved to approve all above listed applicants. Dr. Maynard seconded the motion.

VOTE: The motion passed 5-0

K. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING ENDORSEMENT LICENSE APPLICATIONS:

Hastings, Roxana
Spiegel, Michael

MOTION: Dr. Pinkert moved to approve all above listed applicants. Dr. Maynard seconded the motion.

VOTE: The motion passed 5-0

L. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.

39. July 23, 2004, Regular & Executive Session Meeting Minutes

MOTION: Dr. Sorenson moved to approve tab 39 with adjustment under tab 29 of the minutes. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

M. EXECUTIVE DIRECTOR'S REPORT:

- 40. Budget Report (Information Only)
Budget Summary Report
- 41. Proposed FY2006 and FY2007 Budget
- 42. Board Statistics (Information Only)
- 43. Summary of Investigative Reviews (Possible Discussion)
- 44. Board Correspondence

Mr. Confer reported on tabs 40-44 inclusive.

N. CALL TO PUBLIC:

Dr. Maynard made a call to the public at 12:03 PM. Nobody was present to address the Board during the call to public.

MOTION: Dr. Pinkert moved to adjourn the meeting at 12:15 PM. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

END OF MINUTES:

Jack Confer, Executive Director

Date